HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 895 (M/S) OF 2006

Hari Om Aggarwal S/o Sh. Kishan Lal Aggarwal
R/o Mohalla Ganj Kashipur, Tehsil Kashipur
District Udham Singh Nagar .....Petitioner

Versus

1. Additional District Magistrate (finance and revenue) Collector Stamp Udham Singh Nagar.
2. State of Uttaranchal through Collector, Udham Singh Nagar. ...respondents

Sri M.C. Bansal, counsel for the petitioner
Standing counsel for the respondents.

Dated: 14.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Bansal, counsel for the petitioner and Standing Counsel for the respondents.

Present writ petition has been filed against the order passed by the Additional District Magistrate by which the sale-deed has been held to be insufficiently stamped. Against the aforesaid order no writ petition is maintainable and the revision is maintainable before the Commissioner.

Since the alternative remedy is available to the petitioner, writ petition under Article 226 is not maintainable.

However, petitioner has already deposited a sum of Rs. 24432/-. In view of the above, recovery proceedings for the rest of the amount shall remain in abeyance against the petitioner till the filing of the revision before the Commissioner. Liberty is given to the petitioner to file the revision within 15 days.

Writ petition is disposed of on the ground of alternative remedy. No order as to costs.

14.7.2006 **(Rajesh Tandon, J.)**